In the High Court of Judicature for Rajasthan
At
Jaipur Bench, Jaipur

O R D E R

In

S.B. Criminal Misc. Bail Application No.6863/06
Narsi and another Vs. State of Rajasthan

Date Of Order :: 22nd November, 2006

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. Jitendra Pandey, counsel for petitioners.
Mr. R.P. Kuldeep, Public Prosecutor for State.

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Heard learned counsel for accused petitioners, learned Public Prosecutor for the State, perused the case diary and other material produced during the course of arguments.

It is contended on behalf of the accused petitioners that they were working as labourers in the factory and the complainant did not pay their labour amount and when they demanded the same this false complaint was lodged. It is also submitted that co-accused Amar Singh has been arrested and nothing has been recovered from him and just to make this case non-bailable the allegations of theft of mobile and some money from the pocket of the complainant have been levelled.

Learned Public Prosecutor opposed the bail application and contended that co-accused Amar Singh entered in factory premises, forcibly dragged the complainant Dulal Chand from the factory, gave beatings to him and snatched some

money and mobile along with other co-accused persons. It is also submitted that accused petitioner Mukesh also actively participated in this incident.

Without making any observation on merits, having considered the rival submissions made at the bar, nature of accusation, material on record, entire facts circumstances and also keeping in view the statement of the complainant Dulal Chand wherein he mainly alleged against Amar Singh @ Lala and Narsi, I do not deem it proper to grant the benefit of pre-arrst bail to accused petitioner Narsi but other accused petitioner Mukesh deserves the benefit of pre-arrest bail.

In the result, the bail application of Narsi is rejected and that of the accused petitioner Mukesh is allowed and it is directed that in the event of arrest of petitioner Mukesh S/o. Chiranji, he shall be released on bail by the concerned SHO/Investigating Officer in FIR No.551/2006 registered at Police Station Gangapurcity, District Sawaimadhdopur provided he furnishes a personal bond in the sum of Rs.10,000/- together with two sureties each in the sum of Rs.5,000/- to the satisfaction of the concerned SHO/Investigating Officer on the following conditions :-

1. that he shall make himself available for interrogation by a police officer as and when required;
2. that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts

to the Court or any police officer; and
3. that he shall not leave India without previous permission of the Court.

(J.R. Goyal),J

VS Shekhawat/-
Jr. P.A.